REMARKS

Claims 1-29 are currently pending in the subject application and are presently under consideration. A clean version of all pending claims is found at pages 2-6. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

I.   **Rejection of Claims 1, 2, 6-10, 13-15, 18-22, and 25-29 Under 35 U.S.C. §102(e)**

Claims 1, 2, 6-10, 13-15, 18-22, and 25-29 stand rejected under 35 U.S.C. §102(e) as being anticipated by Beyda *et al.* (US 6,148,294). Withdrawal of this rejection is respectfully requested for at least the following reasons. Beyda *et al.* does not teach or suggest *each and every element* of the claimed invention.

> For a prior art reference to anticipate, 35 U.S.C. §102 requires that "*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

The subject invention relates to intelligent display and access of likely candidate subdirectories during file save, access, browsing, and/or other directory operations. (*See* pg. 3, ln. 15-17). A user, when attempting to open, save, browse, *etc.*, can be presented with a candidate tree structure created utilizing probabilistic information and utility. The probabilistic information relates to the likelihood of different target directories being desired as a function of recent and/or long-term directory activity and/or document properties. The *utilities* are based *on costs of navigating from candidate nodes* in the directory structure *to other nodes* to find the desired or target information. (*See* pg. 3, ln. 21-28). Thus, applicants' claimed invention centers around the use of expected utility (based in the principles of decision theory) to facilitate the efficient navigation among a plurality of nodes. Ideal candidates for display, both nodes, and larger tree substructures, are determined by *minimizing navigation costs* and this metric—minimization of *expected cost* of a path to a target—is used to provide users with a list of nodes and paths.

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This *expected navigation cost* is computed as an appropriate product of probabilities of targets and the *utilities*, which represent *the time and/or effort required by users* to make the *different kinds of navigations required to get from a recommended node to the actual target*, e.g., to navigate to sibling directory, or to a parent, descendant, or parent's parent, or descendant's descendant directory, and so on.

In other words, at the highest level, the subject application recites a component which *analyzes probabilities and utilities* associated with determining potential target directories for storing and accessing data in independent claim 1 (and similarly in independent claim 27). Utility is assigned to each node (including setting a penalty for navigating to an adjacent node) in connection with performing a directory operation. (*See* pg. 11, ln. 27-29). Both *probabilities* and *utilities* are utilized to calculate the expected utility of a potential target node. (*See* pg. 10, ln. 11-16). On the contrary, Beyda *et al.* merely discloses analyzing a user's pattern of use to track which directories and files are accessed most frequently. (*See* abstract). Then, the user is presented with a list of files or directories in order of most likely use from the particular application. (*See* abstract). Beyda *et al.* simply discloses a system that tracks directories and files that the user accessed most frequently when in a particular application, and does not teach or suggest a component that *analyzes utilities* relating to navigating among nodes. (*See* col. 2, ln. 1-8).

Additionally, Beyda *et al.* does not teach or suggest *assigning probabilities* and *utilities* to a plurality of potential target nodes or *determining an expected utility* therefrom as recited in independent claim 13 (and similarly in independent claim 26). As noted *supra*, the claimed invention assigns a utility factor to each node, which Beyda *et al.* does not teach or suggest. Furthermore, Beyda *et al.* fails to teach or suggest determining an expected utility from the probabilities and utilities. The expected utility of a potential target node is the probability that the node is the target node weighted by the utility of that node being the target, then summed together with the probabilities that the target location is in some near proximity to the target, weighted by the utility of making a navigational move to an adjacent node from the target and the cost of reviewing a list associated with the navigation. (*See* pg. 10, ln. 11-16). On the contrary, Beyda *et*

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al. merely discloses that a user can change certain parameters of the adaptive file directory scheme; specifically, the time base, duration, file type and weighting can be adjusted. (*See* col. 4, ln. 42-45). Each of the adjustable parameters simply relate to determining the frequency of use of files and directories. (*See* col. 5, ln. 12 – col. 6, ln. 22). Accordingly, Beyda *et al.* does not teach or suggest assigning probabilities and utilities or determining an expected utility from the probabilities and utilities as recited in the subject claims.

In view of at least the above, it is readily apparent that Beyda *et al.* does not anticipate or suggest the subject invention as recited in claims 1, 13, 26 and 27 (and claims 2, 6-10, 14-15, 18-22, 25, and 28-29 which respectively depend there from). This rejection should be withdrawn.

II.   Rejection of Claims 3-5 and 16-17 Under 35 U.S.C. §103(a)

Claims 3-5 and 16-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beyda *et al.* (US 6,148,294) in view of Ishizaki *et al.* (US 5,752,217 B1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Beyda *et al.* and Ishizaki *et al.*, individually or in combination, do not teach or suggest each and every element set forth in the subject claims.

Ishizaki *et al.* does not make up for the aforementioned deficiencies of Beyda *et al.* with respect to independent claims 1 and 13 (which claims 3-5 and 16-17 directly or indirectly depend from). Furthermore, Ishizaki *et al.* does not teach or suggest the limitations of claims 3 and 16 which recite that the utilities are functions of *navigation costs associated with traversing from a displayed node from the directory to at least one of the potential target directories*. The subject invention employs utilities that reflect the cost of navigating up or down to another directory from the directory node currently under analysis. (*See* pg. 16, ln. 12-13). Ishizaki *et al.* merely discloses computing route costs based on link information, link connection information and a known destination. (*See* col. 2, ln. 18-36). Thus, the route with the least cost is selected. (*See* col. 2, ln. 18-36). Therefore, the subject invention as recited in claims 3-5 and 16-17 is not obvious

over the combination of Beyda *et al.* and Ishizaki *et al.* Accordingly, withdrawal of this rejection is respectfully requested.

III.   Rejection of Claims 11, 12, 23, and 24 Under 35 U.S.C. §103(a)

Claims 11, 12, 23, and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beyda *et al.* (US 6,148,294) in view of Candan *et al.* (US 6,549,896). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Beyda *et al.* and Candan *et al.*, individually or in combination, do not teach or suggest each and every element set forth in the subject claims.

Candan *et al.* does not make up for the aforementioned deficiencies of Beyda *et al.* with respect to independent claims 1 and 13 (which claims 11, 12, 23, and 24 directly or indirectly depend from). Candan *et al.* merely discloses a method for estimating an association between media objects and a seed web page accessed by a user. (*See* abstract). Therefore, the subject invention as recited in claims 11, 12, 23, and 24 is not obvious over the combination of Beyda *et al.* and Candan *et al.* Accordingly, withdrawal of this rejection is respectfully requested.
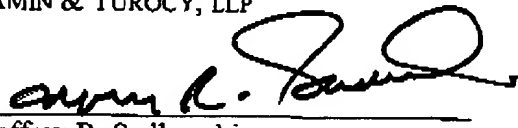
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IV. CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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